

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chairman, and Frank Serico, Member

From: Sarah Barnwell, Appellate Specialist
Board of Review

Subject: Minutes of the August 30, 2006
Board of Review Meeting

Date: August 30, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, August 30, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in *The Trenton Times* and *The Star Ledger*. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, September 6, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair
Mr. Serico, Member
Ms. Barnwell, Appellate Specialist
Absent: Mr. Sieber, Vice Chair
Mr. Yarbrough, Executive Secretary

2. Following a motion by Ms. Calderone and seconded by Mr. Serico, the minutes of the August 23, 2006 meeting were approved.

3. New Business

(a) 115,399

Ms. Abrunzo presented this case that involved a claimant who relied on her employer to submit her claim for temporary disability benefits when she became disabled. The Appeal Tribunal had held the claimant ineligible for benefits because the claim was filed late and good cause was not shown for the delay in filing. Following discussion, the Board noted that the record was incomplete with regard to whether the claimant took reasonable steps to

file the claim timely and voted to remand the matter for additional testimony. Ms. Abrunzo will prepare the remand.

(b) 113,286

As presented by Ms. Abrunzo, this case involved a sales representative who left the job after her position was changed to bookkeeper. The Appeal Tribunal had held the claimant disqualified under N.J.S.A. 43:21-5(a). Following discussion, the Board noted that the claimant worked in the new position a short period and that this matter may be best decided under N.J.S.A. 43:21-5(c). The Board voted to remand the matter for additional testimony regarding the changes in the job and for the issue of “refusal of suitable work” to be considered by the Appeal Tribunal. Ms. Abrunzo will prepare the remand.

(c) 114,715

Mr. Gitter presented this case that involved a sales associate who left the job to accept new employment as an administrative assistant and who later left that job because she was not being paid by the employer. The Appeal Tribunal had held the claimant disqualified under N.J.S.A. 43:21-5(a), with respect to the first separation, and had held the disqualification was not tolled because the claimant did not have earnings with Employer #2. The Appeal Tribunal also held that the claimant was liable for refund of benefits paid. Following discussion, the Board noted that the record was incomplete with regard to whether the claimant was owed wages from Employer #2. The Board voted to affirm the decision of the Appeal Tribunal with respect to the separation from Employer #1 and to remand the matters of toll out and refund for additional testimony. Mr. Gitter will prepare the remand.

(d) 112,228

Mr. Gitter presented this case that involved a corporate officer who stopped working when the business ceased operations due to bankruptcy. The Appeal Tribunal had held the claim was invalid because the claimant was not unemployed. The Board voted to affirm the decision of the Appeal Tribunal after noting that the claimant was still a principle shareholder and that she had not applied for dissolution of the corporation.

(e) 115,945

As presented by Mr. Gitter, this case involved a casino dealer who separated from the work when she was unable to return to work at the expiration of her leave of absence. The Appeal Tribunal had held the claimant disqualified under N.J.S.A. 43:21-5(a). Following discussion, the Board noted that the record was incomplete with regard to whether the claimant left voluntarily or was discharged. The Board voted to remand the matter for additional testimony. Mr. Gitter will prepare the remand.

There being no further business to transact, a motion was made by Mr. Serico to adjourn the meeting. Ms. Calderone seconded the motion.

SUBMITTED FOR APPROVAL:

Sarah Barnwell
Appellate Specialist